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10/659,331	09/11/2003	Bogie Boscha		3771

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EXAMINER

PANOS, JEFFREY C

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,331

Applicant(s)

BOSCHA ET AL.

Examiner

Jeffrey C. Panos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 41, 45, 52-62, 64-70, 73 and 78 are objected to because of the following informalities:

Regarding claims 41 and 56, lines 2 and 3 contain typographical errors with the words "puts" and "put" when the Examiner interprets this to be "putts" and "put". Lines 2 and 3 read "...into which a golfer puts balls; an initial putter with which the golfer hits the balls so as to put the balls..."

Claims 45, 52-55, 57-62, 64-70, 73 and 78 all contain the same error within the first line. For example, claim 45 states "A system as defined in claim 41;" where the semicolon should be a comma, such as in claims 44 or 74. Please all of the claims listed accordingly.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-46, 49-52, 56-61, and 64-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuer et al (US 2002/0077189 A1) in view of Cameron et al (US Patent No. 6,595,448 B2) in further view of Konow (US 2003/0008722 A1).

Regarding claims 41 and 56, Tuer et al teaches a golf club that analyzes the swing of a player by interior sensing means for sensing parameters of an initial club/putter while the player hits the golf balls, for instance putting balls (§§0025; §0027: 2-4; §0031); interior swing data collecting and processing means for collecting and processing swing data corresponding to said sensed parameters and incorporated in said initial putter (§§0025; §0027: 2-4; §0031); interior transmitting means for transmitting said data corresponding to the sensed parameters and clearly incorporated in said initial putter (§§0033: 10-16); and computing means for receiving and processing said swing data (§§0025; §0031). It would be simple and logical to one of ordinary skill in the art to attach some type of identifying number for each player when using the golf club, and Tuer et al is very capable of doing so with the components disclosed; however, Tuer et al lacks in disclosing an identification of the club by a serial number in order to distinguish between other clubs. Konow teaches an electronically traceable golf club in which a transponder is encoded with a specific identification such as a multi-digit code or serial number (§0011). The object of this invention is to provide a registration system that can be incorporated in a transportable object that will identify that object for purposes of data base comparisons, thus it would have been obvious to one of ordinary skill in the art to add a transponder to each golf club of Tuer et al in order to identify each club individually. In addition to identifying users and user data, this type of

identification may be used for determining theft of the device and its whereabouts after theft or its whereabouts during shipping. A further motivation could open up the option of selling the device to golf courses/clubs, which they may rent to their players and track where each player is and there progress from tee to tee.

Cameron et al teaches a putting surface 16 with at least one hole 14 into which a golfer putts a ball (Figure 2) and an initial putter 18 with which the golfer hits the balls (Abstract). Cameron et al further determines parameters by analyzing the user's swing and using this information to determine a customized golf club (col. 11: 60-67; col. 12: 1-4). Tuer et al lacks in specifically disclosing the customization of a golf club for design and manufacturing means from the determination of the final parameters of a personal putter, but does teach the final parameter determination as is used in Cameron et al. Cameron et al teaches the use of such data to customize a club accordingly and it is inherent that the personal putter is manufactured in Cameron et al's invention because it states that the putter will be customized to the design parameters (lie angle, etc.) and that the new putter can be used again for analysis (col. 12: 5-13) as the specification explains in whole. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the putter used to gain all the right parameters for manufacture by providing the ending customization of the club taught by Cameron et al so that there would be a second determination that the personal putter's parameters were in fact correct and would benefit the user's future golf game by allowing them a club that is customized to their style of play and swing.

Regarding claims 42 and 57, Tuer et al teaches a computing means formed as a computer, which is remote from said putting surface, and said initial putter (§0034: 9-20).

Regarding claims 43 and 58, Tuer et al teaches wherein said data collecting and processing means using a microcontroller connected with electrical signals amplifying means and collecting data from said sensing means to configure said data.

Microcontrollers and microprocessors are terms used that can be used interchangeably. Microcontrollers are just a general-purpose microprocessor. So it is inherent that in this case the microcontroller is synonymous with a microprocessor.

Regarding claims 44 and 59, Tuer et al teaches wherein said computing means is selected from the group consisting of a remote receiving computer, a pocket personal computer with compatible signal receiving means, and a laptop computer with wireless receiving means (§0033: 10-16; §0034: 9-11).

Regarding claims 45 and 60, Tuer et al teaches the further comprising of a display unit selected from the group consisting of a display unit connected to said computing means and a display unit formed as an integral part of said computing means (§0033; §0034).

Regarding claims 46 and 61, Tuer et al teaches wherein display unit is formed so as to display any information selected from the group consisting of a position of a putter handle, position of a putter head, lie and loft angles with text identifying a deviation in degrees, a putter path during a swing (§0038: 4), an acceleration and a deceleration of

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a putter head alongside of a putter path, a text message with details related to a swing in real time, in combinations thereof (§§0025; ¶0033 and 0034; Abstract).

Regarding claims 49 and 64, Tuer et al teaches transmitting means to transmit information such as lie and loft angles, a putter face angle, a shaft lie angle, and an offset position (§§0025 and 0031).

Regarding claims 50 and 65, Tuer et al teaches the putter having a handle and a head, said sensing means including acceleration/deceleration measuring means, one part of putter path measuring means, and rotation measuring means located in said head, and also including lie/loft angles measuring means and another part of the putter path measuring means located in said handle (§§0025; 0026; ¶0038: 4).

Regarding claims 51 and 66, Tuer et al teaches a system wherein said data collecting and processing means and said transmitting means are located in said handle (§§0026 and 29).

Regarding claims 52 and 67, Tuer et al teaches a club with sensing means, data collecting and processing means, and transmitting means (§§0025, 0031, 0033, 0034), but lacks in specifically disclosing that the club is for training. However, it is obvious to one skilled in the art that this invention is indeed for training by the obtaining of data relating to the swing of the golfer and displaying this data for the sole purpose of alerting the user of errors and the sources of those errors, therefore this is a training golf club.

Claims 47, 48, 62, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuer et al (US 2002/0077189 A1) in view of Cameron et al (US

Patent No. 6,595,448 B2) and in further view of McNitt et al (US Patent No. 6,567,536 B2).

Regarding claims 47 and 62, Tuer et al describes a graphical user interface, but does not disclose a display provided with radio buttons for computer commands selected from the group consisting of save, recall, and replay. However, this is taught by McNitt et al through the use of a graphical user interface that contains controls that play, fast forward, reverse and stop. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use these controls because they are controlled by computer commands and would work efficiently with the system containing the electronics package taught by Tuer et al, which sends the information to a graphical user interface already (§0033 and 0034).

Regarding claims 48 and 63, Tuer et al teaches display devices being able to receive wireless information (§0033 and 0034) and it is commonly known that many computing devices today are capable of communicating wirelessly in a variety of ways, including portable devices such as PDAs, Palm Pilots, Laptops, cellular phones, etc. that are built with integrated wireless systems connectable to the internet. However, McNitt et al teaches motion analysis and sending this information over the Internet, or more specifically uploading it to a web server by Internet connection for analysis (col. 21: 65-67; col. 22: 1-19; col. 23: 14-24), thus is obvious to one skilled in the art at the time the invention is made.

Claims 53-55 and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuer et al (US 2002/0077189 A1) in view of Cameron et al (US Patent No. 6,595,448 B2) and in further view of Buhler (US Patent No. 6,565,449 B2).

Regarding claims 53 and 68, Tuer et al lacks in specifically disclosing that it contains buttons or switches actuatable by a user and switching operation of electronic system of said initial putter between a plurality of modes. Tuer et al teaches several different modes such as initializing, resetting, and controlling of the sensor suites (§§0027); but much more specifically shown is in that of Buhler where there is also an initialization and reset mode for the system, a monitoring mode, and then when a button is pressed (or actuated) for a period of time a different mode is entered such as a clearing mode of all information, which is done before returning to the monitoring mode (col. 4: 58-59; col. 5: 25-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to interpret reset, initialize, monitor, etc. as modes of operation for the electronics systems given that a mode of operation is the condition of functioning or status the system is or would be in.

Regarding claims 54 and 69, Tuer et al teaches a display device for displaying to the user data that the sensors have obtained and this display device is more than capable of displaying each mode of operation using the same routines as for displaying any other text (§§0033 and 0034). Tuer et al lacks in specifically disclosing that it contains indicating means operative for visually indicating the modes to which the electronic system of said initial putter is switched. Tuer et al teaches several different modes such as initializing, resetting, and controlling of the sensor suites (§§0027); but

much more specifically shown is in that of Buhler where there is also an initialization and reset mode for the system, a monitoring mode, and then when a button is pressed (or actuated) for a period of time a different mode is entered such as a clearing mode of all information, which is done before returning to the monitoring mode (col. 4: 58-59; col. 5: 25-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to interpret reset, initialize, monitor, etc. as modes of operation for the electronics systems given that a mode of operation is the condition of functioning or status the system is or would be in; and further to use the display device taught by Tuer et al for displaying the modes of operation so that the user is well informed as to what the electronics are currently doing.

Regarding claims 55 and 70, Tuer et al teaches an sound interface for communicating to the user and is more than capable of indicating each mode of operation using the same routines as for any sound (Abstract). Tuer et al lacks in specifically disclosing that it contains indicating means operative for visually indicating the modes to which the electronic system of said initial putter is switched. Tuer et al teaches several different modes such as initializing, resetting, and controlling of the sensor suites (§0027); but much more specifically shown is in that of Buhler where there is also an initialization and reset mode for the system, a monitoring mode, and then when a button is pressed (or actuated) for a period of time a different mode is entered such as a clearing mode of all information, which is done before returning to the monitoring mode (col. 4: 58-59; col. 5: 25-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to interpret reset, initialize,

monitor, etc. as modes of operation for the electronics systems given that a mode of operation is the condition of functioning or status the system is or would be in; and further to use the sound device taught by Tuer et al for indicating the modes of operation in the case the display is remotely located and for the user to be aware of when they may begin to swing the club.

Claims 71-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuer et al (US 2002/0077189 A1) in view of Konow (US 2003/0008722 A1).

Regarding claim 71, Tuer et al teaches a golf club (where a golf club can be a putter) the comprises a handle, a head (§0026); sensing means for sensing parameters selected from the group consisting of acceleration measuring means, deceleration measuring means, putter path measuring means (§0038: 4), rotation measuring means, lie angle measuring means, loft angle measuring means and combinations thereof (§0025). It would be simple and logical to one of ordinary skill in the art to attach some type of identifying number for each player when using the golf club, and Tuer et al is very capable of doing so with the components disclosed; however, Tuer et al lacks in disclosing an identification of the club by a serial number in order to distinguish between other clubs. Konow teaches an electronically traceable golf club in which a transponder is encoded with a specific identification such as a multi-digit code or serial number (§0011). The object of this invention is to provide a registration system that can be incorporated in a transportable object that will identify that object for purposes of data base comparisons, thus it would have been obvious to one of ordinary skill in the art to

add a transponder to each golf club of Tuer et al in order to identify each club individually. In addition to identifying users and user data, this type of identification may be used for determining theft of the device and its whereabouts after theft or its whereabouts during shipping. A further motivation could open up the option of selling the device to golf courses/clubs, which they may rent to their players and track where each player is and there progress from tee to tee.

Regarding claim 72, Tuer et al teaches a golf club (where a golf club can be a putter), wherein said acceleration measuring means, said deceleration measuring means, one part of said path measuring means, and said rotation measuring means are located in said head (¶0025 and 0026); while said lie angle measuring means, said loft angle measuring means can also be located in said handle (¶0025). Tuer et al discloses there is a measurement of position of the club located in the handle, and since one type of club is a putter, then it is inherent that the system measures the putter path (¶0025: 2-6; ¶0038: 4).

Regarding claim 73, Tuer et al teaches a golf club comprising means for transmitting data sensed by said sensing means (¶0033). It would be simple and logical to one of ordinary skill in the art to attach some type of identifying number for each player when using the golf club, and Tuer et al is very capable of doing so with the components disclosed; however, Tuer et al lacks in disclosing an identification of the club by a serial number in order to distinguish between other clubs. Konow teaches an electronically traceable golf club in which a transponder is encoded with a specific identification such as a multi-digit code or serial number (¶0011). The object of this

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invention is to provide a registration system that can be incorporated in a transportable object that will identify that object for purposes of data base comparisons, thus it would have been obvious to one of ordinary skill in the art to add a transponder to each golf club of Tuer et al in order to identify each club individually. In addition to identifying users and user data, this type of identification may be used for determining theft of the device and its whereabouts after theft or its whereabouts during shipping. A further motivation could open up the option of selling the device to golf courses/clubs, which they may rent to their players and track where each player is and there progress from tee to tee. It also be obvious to attach these numbers to each set of data being sent in from to the computer and from the computer to the manufacturer in order to avoid mixed up data between players and to identify large quantities of data and properly separate them.

Regarding claims 74 and 78, Tuer et al teaches that the electronics package includes the transmitting means and is located in said handle (§§0027, 0028, 0029, 0033).

Regarding claims 75 and 77, Tuer et al teaches a system comprising a putter having a handle, a head (§§0026), and sensing means selected from the group consisting of acceleration measuring means, deceleration measuring means (§§0025), putter path measuring means (§§0038: 4), rotation measuring means, lie angle measuring means, a loft angle measuring means (§§0025), and combinations thereof; means for transmitting data measured by said measuring means (§§0033); computing means for receiving and processing of measured data (§§0027, 0028, 0031, 0034); and

display means for displaying the processed data so that a golf player can analyze his performance (§0034). It would be simple and logical to one of ordinary skill in the art to attach some type of identifying number for each player when using the golf club, and Tuer et al is very capable of doing so with the components disclosed; however, Tuer et al lacks in disclosing an identification of the club by a serial number in order to distinguish between other clubs. Konow teaches an electronically traceable golf club in which a transponder is encoded with a specific identification such as a multi-digit code or serial number (§0011). The object of this invention is to provide a registration system that can be incorporated in a transportable object that will identify that object for purposes of data base comparisons, thus it would have been obvious to one of ordinary skill in the art to add a transponder to each golf club of Tuer et al in order to identify each club individually. In addition to identifying users and user data, this type of identification may be used for determining theft of the device and its whereabouts after theft or its whereabouts during shipping. A further motivation could open up the option of selling the device to golf courses/clubs, which they may rent to their players and track where each player is and there progress from tee to tee.

Regarding claim 76, Tuer et al teaches a system wherein said putter (type of golf club) has means for transmitting the measured data from the putter to the computing means (§0033, 0034).

Response to Arguments

Applicant's arguments filed April 21, 2006 have been fully considered but they are not persuasive. The Examiner also notes that there are new grounds of rejection regarding the added claim limitations. See Rejections.

Applicant contends the references used do not teach the instant invention as claimed. However, Applicant does admit that "Tuer teaches the corresponding interior means" and that "Cameron produces a customized club." The Examiner points out that it is not the means in which Cameron transmits the information that is being taught as Applicant's invention, but that the means produces similar parameters (i.e., lie and loft angle, acceleration, speed, position, etc.) from the sensing means as are taught to be produced by Tuer. Cameron shows through the use of these parameters that a golf club may be, and is, customized accordingly. What the Examiner clearly and respectfully pointed out is that both inventions produce the same output and therefore using the parameters, one would be motivated to produce a customized golf club, such as a putter.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Panos whose telephone number is (571) 272-6136. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey C. Panos
July 11, 2006


XUAN M. THAI
SUPERVISORY PATENT EXAMINER

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